

AO 91 (Rev. 11/11) Criminal Complaint

**FILED****UNITED STATES DISTRICT COURT**

for the

Western District of Texas

September 28, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASBY: Veronica Medina  
DEPUTY

United States of America

v.

Luis David ARMENDARIZ

Case No. EP-21-MJ-2124-LS

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 27, 2021 in the county of El Paso in the  
Western District of Texas, the defendant(s) violated:*Code Section*

18 USC 371

*Offense Description*

Conspiracy to commit 18 USC 554

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Asher Schuler, Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 09/28/2021*Judge's signature*City and state: El Paso, Texas

Leon Schydlower, US Magistrate Judge

*Printed name and title*

Oath Telephonically Sworn

At 11:09 AM

Fed.R.Crim.P.4.1(b)(2)(A)

## **AFFIDAVIT**

**I, Asher E. Schuler, being duly sworn, depose and state that:**

I am a Special Agent, being duly sworn, depose and state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, assigned to the El Paso, Texas Field Office and have been so employed since January 2015. Previous to this position I was a Police Supervisor for the Temple Police Department, Temple, Texas, in which I held various assignments during my thirteen years. I am a graduate of the Federal Law Enforcement Training Center, ATF National Academy, Central Texas Police Academy, and United States Army Criminal Investigations Division (CID) Special Agent Course; as a result of my experience as an ATF / US Army CID Special Agent and Texas Police Officer, I am familiar with Federal Firearms and Narcotics Laws. Based on facts contained in this affidavit, your Affiant believes that probable cause exists that Luis David ARMENDARIZ, who conspired to smuggle ammunition from the United States to Mexico.

This affidavit sets forth only those facts and circumstances necessary to establish probable cause for the issuance of the requested criminal complaint. This affidavit does not contain every material fact that I have learned during the course of this investigation. The information contained in this affidavit is based on my investigation and on information provided to me by other United States Federal and State law enforcement officials who conducted this investigation.

Further your Affiant states:

On September 24, 2021, your Affiant continued an investigation after receiving a tip about large amounts of ammunition being purchased by an individual that the distributor believed was suspicious. Your affiant had information from a previous investigation, that the address the ammunition was being mailed to had been previously used as part of ammunition smuggling network. Your Affiant conducted surveillance and intelligence operations to gather relevant information to determine if violations of Federal Law were occurring by the individual and/or other individuals.

On September 27, 2021, your affiant conducted relevant checks of the address that the ammunition was being mailed to and learned that the person the ammunition was being mailed to was not on the lease or the utilities for the address in El Paso, Texas. Your affiant learned that Luis David ARMENDARIZ resided at the address and that ARMENDARIZ had previously crossed from Mexico into the United States with the purchaser of the ammunition.

Your affiant received information that approximately 9,000 rounds of 7.62 caliber ammunition was to be delivered to the address on September 27, 2021.

On September 27, 2021, your affiant along with members of the ATF El Paso Field Office and Homeland Security Investigations conducted a surveillance operation at the residence of ARMENDARIZ where the ammunition was to be delivered. Surveillance observed FEDEX deliver multiple boxes to ARMENDARIZ's residence and later placed inside the residence by ARMENDARIZ. Your affiant confirmed the FEDEX tracking number for the ammunition matched the delivery date and time that the ammunition was delivered.

Your Affiant and an ATF Task Force Officer from US Customs and Border Protection moved into the front yard and initiated contact with ARMENDARIZ who had just finished loading the ammunition boxes into the residence.

ARMENDARIZ was asked if the person whose name was listed on the shipping label for the ammunition was present at the residence and ARMENDARIZ advised that the person did not live there. ARMENDARIZ stated that it was his residence, but that ARMENDARIZ lived in Juarez, Mexico. ARMENDARIZ gave consent to enter the residence and your affiant discovered 19 boxes of Wolf 7.62 ammunition. Each box contained 1000 rounds of ammunition for a total of 19,000 rounds of ammunition. ARMENDARIZ advised that he was paid by people in Juarez, Mexico to rent the apartment solely to receive the ammunition and admitted to taking ammunition to Juarez, Mexico at least one time.

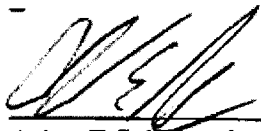
Your Affiant observed numerous broken-down cardboard boxes that previously contained ammunition as well as numerous empty green metal ammunition cans used to store and transport .50 caliber ammunition throughout the residence. The residence had no belongings, clothing, or anything to give the appearance the residence was being lived in.

ARMENDARIZ later admitted the residence was only used to store ammunition prior to the ammunition being smuggled into Mexico. ARMENDARIZ advised that he had rented the apartment for four months, normally received packages to the residence approximately 4 times a week. ARMENDARIZ began to suspect the packages was ammunition approximately one month ago. ARMENDARIZ confirmed the packages received at the residence were boxes of ammunition approximately one week ago. ARMENDARIZ advised that he was paid approximately \$350 a week, by people in Juarez, Mexico, to rent the address and place boxes inside the residence when they arrived by mail carrier. ARMENDARIZ advised that he knew the ammunition that he was receiving was being smuggled in Mexico.

Your affiant received confirmation from ATF Special Matthew Schieno that the Wolf 7.62x39 caliber Full Metal Jacket (FMJ) ammunition, was not manufactured in Texas, and traveled in interstate commerce.

Based on the aforementioned facts and circumstances, your Affiant believes probable cause exists that Luis David ARMENDARIZ unlawfully Conspired to illegally export ammunition into Mexico from the United States in violation of 18 USC 371.

FURTHER THE AFFIANT SAYETH NOT.



Asher E Schuler, Special Agent  
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Subscribed and sworn to me this 28<sup>th</sup> day of September 2021

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Leon Schydlower  
United States Magistrate Judge